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13. (Original) The system of Claim 9 wherein the first length is approximately 1.15 times greater than the second length.

No additional fee is necessary as the total number of claims remains the same.

REMARKS

Applicants urge reconsideration of the subject U.S. patent application in view of the preceding amendments and the following remarks.

Amendment to Claims

Applicants have amended Claims 1 and 9 to require that the second length is at least approximately 10% shorter than the first length. Such amendment is supported in the specification at page 12, first full paragraph, which describes that the first length is 3.0" and the second length is 2.6". This amendment is also supported in Claim 7 that requires a first length 1.15 times greater than a second length. Applicants urge that such amendments add no new matter to the subject U.S. patent application.

Claim Rejections 35 U.S.C. §103

The Examiner has rejected Claims 1-13 under 35 U.S.C. §103 as being unpatentable over Krogman et al., U.S. Patent 5,383,321, in view of Fisher, U.S. Patent 3,044,230. The Examiner alleges that the Krogman et al. Patent

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teaches the features of Claim 1 with the exception of a maximum diameter of each container having a second length shorter than the first length spaced apart from an adjacent container by the applying machine at the first length. The Examiner additionally admits that the Krogman et al. Patent does not teach positioning the carrier over the plurality of containers to form a package having a container pitch between a center of adjacent containers approximately equal to the second length which is smaller than a carrier pitch having a first length. The Examiner alleges that the Fisher Patent teaches a carrier having a second length shorter than a first length by comparing Figs. 2 and 4 of the Fisher Patent.

The Examiner alleges that a comparison of Figs. 2 and 4 of the Fisher Patent, regardless of scale, results in a conclusion that the second length is shorter than the first length. Applicants have amended Claims 1 and 9 to require a second length at least approximately 10% shorter than the first length. Applicants have attached the declaration of William Weaver stating that the industry standard is that the second length is longer than, or at least equal to, the first length. In addition, the Declaration states that the Fisher Patent does not demonstrate a first length longer than the second length. The cited art and the industry standards neither teach or suggest a carrier having a pitch of a first length which is longer than a container pitch having a second length following application of the carrier to

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the containers, particularly a difference of 10%. Applicants urge that the claimed invention is not obvious in view of the cited art.

Request for Telephone Interview

Should the subject Amendment not result in allowance of the pending claims or should the Examiner require any further clarification and/or amendment, Applicants respectfully request that the Examiner contact the undersigned at 847.490.1400 for a telephone interview.

Conclusion

In view of the above Amendment and remarks, Applicants sincerely believe that Claims 1-13 of this patent application are now in condition for allowance and early allowance is respectfully requested. Applicants urge the Examiner to contact the undersigned should any issue require further consideration.

Respectfully submitted,



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